

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

12.01.07

L.D. 936

DATE: 6/14/05

(Filing No. H-694)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H.P. 655, L.D. 936, Bill, "An Act To Amend the Maine Tort Claims Act"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 14 MRSA §8104-B, sub-§3, as enacted by PL 1987, c. 740, §4, is amended to read:

3. Performing discretionary function. Performing or failing to perform a discretionary function or duty, whether or not the discretion is abused and whether or not any statute, charter, ordinance, order, resolution or policy under which the discretionary function or duty is performed is valid or invalid, except that if the discretionary function involves the operation of a motor vehicle, as defined in Title 29-A, section 101, subsection 42, this section does not provide immunity for the governmental entity for an employee's negligent operation of the motor vehicle resulting in a collision, regardless of whether the employee has immunity under this chapter;'

SUMMARY

This amendment provides that a governmental entity is not immune for negligent operation of a motor vehicle by an employee of the governmental entity when the employee's negligent operation of that motor vehicle results in a collision. There is no immunity for the governmental entity regardless of whether the

COMMITTEE AMENDMENT

2018

COMMITTEE AMENDMENT "B" to H.P. 655, L.D. 936

2  
4  
6

Maine Tort Claims Act provides immunity for the employee. This amendment does not amend the law governing the personal liability and immunity of employees of governmental entities.

**FISCAL NOTE REQUIRED**  
(See attached)



# 122nd MAINE LEGISLATURE

LD 936

LR 1879(06)

## An Act to Amend the Maine Tort Claims Act

Fiscal Note for Bill as Amended by Committee Amendment "B"

Committee: Judiciary

Fiscal Note Required: Yes

---

### Fiscal Note

Potential future biennium cost increase - All Funds

Potential current biennium cost increase - Other Special Revenue Funds

Minor cost increase - General Fund

#### Correctional and Judicial Impact Statements:

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department.

#### Fiscal Detail and Notes

Eliminating discretionary function immunity for vehicle accidents could result in additional costs estimated to be as high as \$200,000 annually to the Risk Management Division of the Department of Administrative and Financial Services. As claims occur, the Risk Management Division will review rates charged to state agencies to determine if they need to be adjusted for the effects of this bill. Should future rate increases be needed, state agencies will require additional General Fund, Highway Fund and Other Special Revenue Funds resources to pay the premiums.